

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,

Plaintiff,

v.

EVERT, et al.,

Defendants.

No. 2:05-cv-0441-GEB-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested the appointment of an expert witness. ECF No. 203. For the reasons that follow, the request is denied.

Plaintiff states that he “cannot aid himself in explaining the use of force and the medical issues that are involved in this case.” ECF No. 203 at 2. As the court has explained in prior orders (*see* ECF No. 201), no statute authorizes the court to subsidize fees for an expert to testify on plaintiff’s behalf. While Federal Rule of Evidence 706 authorizes the court to appoint a neutral expert witness and apportion the fee among the parties, the plaintiff’s motion indicates that he seeks an expert to testify on his behalf, rather than a neutral expert. Further, even if plaintiff sought the appointment of a neutral expert, he has not shown that such an expert is needed to promote accurate fact-finding. He simply asserts, “Defendant’s experts only want to talk about the use of force and plaintiff’s injuries. Plaintiff wants to show the jury the use of

1 force and plaintiff's injuries with the aid of experts." ECF No. 203 at 3. Plaintiff has not
2 indicated what useful information a neutral expert would provide that will not otherwise be
3 presented to the court. *See Gorton v. Todd*, 793 F. Supp. 2d 1171, 1177-78 (E.D. Cal. 2011) (the
4 court's determination to appoint a neutral expert is guided by its consideration of whether the
5 expert will promote accurate fact-finding, the ability of the indigent party to obtain an expert on
6 his own, and the significance of the rights at stake in the case). Accordingly, plaintiff's motion
7 for the appointment of an expert (ECF No. 203) is denied.

8 So ordered.

9 Dated: June 5, 2015.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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